

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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ROSS UNIVERSITY SCHOOL OF  
MEDICINE, LTD.,

09 Civ. 1410 (KAM) (RLM)

Plaintiff,

– against –

BROOKLYN-QUEENS HEALTH CARE,  
INC. and WYCKOFF HEIGHTS MEDICAL  
CENTER,

Defendants.  
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**DECLARATION OF GILLIAN L. WHITTLESEY  
IN SUPPORT OF PLAINTIFF'S RESPONSE IN OPPOSITION  
TO DEFENDANTS' MOTION FOR PARTIAL SUMMARY JUDGMENT**

I, GILLIAN L. WHITTLESEY, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. I am an attorney with Baker Hostetler LLP and one of the attorneys handling this matter for Ross University School of Medicine, Ltd. ("Ross").
2. I submit this Declaration based on my personal knowledge in support of Plaintiff's Response in Opposition to Defendants Motion for Partial Summary Judgment.
3. Defendants produced the following documents, which are included in Ross's Appendix to its Response to Defendants' 56.1 Statement of Undisputed & Additional Facts Requiring the Denial of Summary Judgment, during discovery:

Romero Deposition Exhibit 13 – BQHC 24771;

Romero Deposition Exhibit 7 – BQHC42911;

BQHC 48037;

BQHC 39559;

Rucigay Deposition Exhibit 18 - BQHC 13452;

BQHC 43171;

Rucigay Deposition Exhibit 17 – BQHC 00489;

Singleton Deposition Exhibit 7 – BQHC 00489;

Rucigay Deposition Exhibit 1- BQHC 03718;

Rucigay Deposition Exhibit 4 – BQHC 03782;

Rucigay Deposition Exhibit 6 – BQHC 00430;

Garg Deposition Exhibit 8 – BQHC 00074;

Garg Deposition Exhibit 3 – BQHC 00001;

Rucigay Deposition Exhibit 3 – BQHC 03769;

Rucigay Deposition Exhibit 5 – BQHC 03941;

BQHC 56093;

BQHC 03947;

Romero Deposition Exhibit 22 – BQHC 47342;

BQHC 48037;

Garg Deposition Exhibit 5 – BQHC 12618;

BQHC 56127;

BQHC 56107;

BQHC 24481;

McDonald Deposition Exhibit 12 - BQHC 0678 and BQHC 06981;

Rucigay Deposition Exhibit 13 – BQHC 03811;

Goldberg Deposition Exhibit 10 – BQHC 55989;  
Rucigay Deposition Exhibit 23 – BQHC 03880;  
Rucigay Deposition Exhibit 14 – BQHC 04338;  
McDonald Deposition Exhibit 13 – BQHC 07617;  
Rucigay Deposition Exhibit 11 – BQHC 54890;  
Romero Deposition Exhibit 26 – BQHC 19857;  
Hoffman Deposition Exhibit 18 – BQHC 00159;  
Hoffman Deposition Exhibit 17 – BQHC 51800;  
Garg Deposition Exhibit 16 – BQHC 00211;  
Garg Deposition Exhibit 6 – BQHC 07605; and  
Organizational Charts.

4. Ross produced the following documents, which are included in Ross's Appendix to its Response to Defendants' 56.1 Statement of Undisputed & Additional Facts Requiring the Denial of Summary Judgment, during discovery:

Ross 1003;  
Ross 031951;  
Romero Deposition Exhibit 18 – Ross 023701;  
Romero Deposition Exhibit 2 – Ross 031314;  
Romero Deposition Exhibit 1 – Ross 0607;  
Romero Deposition Exhibit 10 – Ross 009216;  
Romero Deposition Exhibit 11 – Ross 009186;  
Romero Deposition Exhibit 16 – Ross 009019;  
Ross 009182;

Romero Deposition Exhibit 12 – Ross 009177;  
Ross 009046;  
Ross 033055;  
Ross 008943;  
Ross 008748;  
Romero Deposition Exhibit 19 – Ross 0630;  
Romero Deposition Exhibit 20 – Ross 008477;  
Romero Deposition Exhibit 21 – Ross 0614;  
Romero Deposition Exhibit 5 – Ross 0056;  
Romero Deposition Exhibit 6 – Ross 0052;  
Ross 015142;  
Ross 031623; and  
Ross 031619.

5. The following documents, which are included in Ross's Appendix to its Response to Defendants' 56.1 Statement of Undisputed & Additional facts Requiring the Denial of Summary Judgment, were filed in Case No. 1:08-cv-20374-AJ, *American University of the Caribbean v. Caritas*, in the United States District Court for the Southern District of Florida:

Romero Deposition Exhibit 9;  
Romero Deposition Exhibit 3;  
American University of the Caribbean Affiliation Agreement;  
Declaration of Gio;  
AUC Third Amended Complaint;  
May 28, 2010 Order;

September 14, 2009 Order; and

Romero Deposition Exhibit 8.

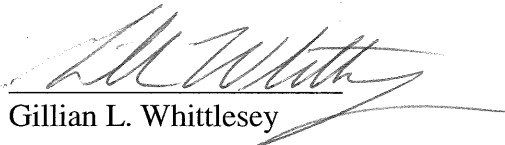
6. Hoffman Deposition Exhibit 9 – Affidavit of John Lavan, which is included in Ross's Appendix to its Response to Defendants' 56.1 Statement of Undisputed & Additional facts Requiring the Denial of Summary Judgment, was filed in the Caritas bankruptcy proceeding, Case No. 1:09-40901, in the Bankruptcy Court for the Eastern District of New York:

7. Wyckoff 2008 IRS Form 990, which is included in Ross's Appendix to its Response to Defendants' 56.1 Statement of Undisputed & Additional facts Requiring the Denial of Summary Judgment, was downloaded from the website:

[http://bartlett.ag.ny.gov/Char\\_Forms/show\\_details.jsp?id={8CA799EB-F516-4197-8D6D-1965DF840F56}](http://bartlett.ag.ny.gov/Char_Forms/show_details.jsp?id={8CA799EB-F516-4197-8D6D-1965DF840F56}).

I declare, under penalty of perjury, that the foregoing is true and correct.

Executed: January 11, 2012  
Chicago, Illinois

  
Gillian L. Whittlesey